Alberta
Government

ENFORCEMENT OF THE

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

And

WATER ACT

1 Apr 2012 - 30 Jun 2012

July 2012

Compliance Assurance, Operations Division

Alberta Government

Enforcement Actions

1 Apr 2012 - 30 Jun 2012

Administrative Penalties

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Calgary, City of	Calgary	23-Apr-12 Assessed: $3,000.00	AEPEA(R) 43/97 3(1) 79	On April 19, 20 and 22, 2010, the City applied a Schedule 2 Pesticide, Rozol, to four locations within the City for the control of rodents without having the proper certificate for application.
Holt, Rick and 860115 Alberta Ltd.	Red Deer SE-22-38-27-W4	31-May-12 Assessed: $4,400.00	AEPEA(R) 61 79 43/97 7(1)	Mr. Holt and 860115 Alberta Ltd. applied a Schedule 2 pesticide without having the required pesticide service registration and failed to hold a valid pesticide applicator certificate on August 1, 2011. Notice of Appeal received by the Environmental Appeals Board 29 June 2012
Nikirk Bros Contracting Ltd	Rimbey Plan 7921693, Block 1, Lot 1	27-Jun-12 Assessed: $2,500.00	AEPEA(R) 61	The Company conducted an activity, the burning of prohibited debris without an approval on October 7, 2010. Paid 19 July 2012

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Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Amended Enforcement Orders				
Cleanit Greenit Composting System Inc. and Castro-Wunsch, Kirsten	Edmonton Plan 7822069, Block 1, Lot 4	19-Apr-12	AEPEA(R) 192/96 38 COPC 7(1)	Amendment No. 3 issued to EO-2010/03-NR with "April 23, 2012" being deleted and replaced with "May 25, 2012" in Clause 11 [formerly amended by Clause 1 of Amendment #2] of the EO; and "April 23, 2012" being deleted and replaced with "May 25, 2012" in Clause 14 [formerly amended by Clause 2 of Amendment #2] of the EO.
Craigievar Farm Ltd. and Sharp, Glenn	Lacombe County SE-24-39-25-W4	18-Jun-12	WA 36(1)	Amendment No. 1 issued to WA-EO-2012/03-CR deleting and replacing both paragraphs 1 and 17; substituting "August 15, 2012" for "July 15, 2012" in clause 2 and substituting "November 15, 2012" for "September 15, 2012" in clause 4. Notice of Appeal and request for stay received by the Environmental Appeals Board 19 June 2012. Stay was denied and mediation prior to appeal is scheduled for August 29 and 30th, 2012.
Duffy, Ron and Duffy, Donna Lynn	Lacombe County NE-13-39-25-W4	18-Jun-12	WA 36(1)	Amendment No. 1 issued to WA-EO-2012/04-CR substituting "August 15, 2012" for "July 15, 2012" in clause 2 and substituting "November 15, 2012" for "September 15, 2012" in clause 4. Notice of Appeal and request for stay received by the Environmental Appeals Board 19 June 2012. Stay was denied and mediation prior to appeal is scheduled for August 29 and 30th, 2012.

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Enforcement Orders				
deGraaf Farming Company Ltd. and deGraaf, Peter	MD of Taber SW-19-13-17-W4 SE-19-13-17-W4	02-Apr-12	WA 36(1)	deGraaf Farming Company Ltd. ["The Company"] is the owner of the lands and Peter deGraaf ["deGraaf"] is a shareholder and sole Director of the Company. Historical air photos show the presence of a wetland on the Lands and on the adjacent quarter. An Inspection of the Lands in 2004 determined that deGraaf had filled in a portion of the Wetland located on the Lands. deGraaf was advised to stop the work and to apply for an Approval under the Water Act. An Inspection in March, 2010 determined that the Wetland had been entirely filled in and no approval had been issued for this activity. No Application for a Water Act approval was ever received for the Wetland Works and no wetland mitigation or compensation has been provided by deGraaf or the Company for the loss of the Wetlands. deGraaf and the Company shall submit a restoration plan prepared by a qualified professional aquatic specialist outlining the methods to return the Wetlands to their pre-disturbance conditions at their original locations, including re-establishing the original native vegetation in and around the Wetlands; include a proposed schedule of implementation for the work; implement the work in the Wetland Restoration Plan; or, submit an alternate to the Restoration Plan which provides detailed plans for the proposed work and addresses the flooding on adjacent land, loss of wetland and habitat concerns related to waterfowl and the great Plains Toad. Notice of Appeal received by the Environmental Appeals Board 19 April 2012.
Greenways Inc. and Greenways, Peter	Edmonton Plan 2149MC, Block 2, Lot 3	23-May-12	AEPEA(R) 192/96 18	The Company is the registered owner of the lands and Peter Greenways is a directing mind of the Company, has charge, management and control of the business operations carried out in the Facility and on the Lands. The Facility and the Lands have been used for storing materials relating to metal plating operations. An Inspection determined that hazardous wastes and hazardous recyclables found in the facility and on the lands were not stored in accordance with the requirements of the Waste Control Regulation. Alberta Environment and Sustainable Resource Development ("AESRD") has requested on numerous occasions to correct the identified deficiencies in the storage and labeling of the hazardous wastes and recyclables and to date the Parties have not complied. The parties shall immediately cease generating, storing and disposing of hazardous waste and hazardous recyclables at, on or from the Lands and the Facility, in any manner other than provided for in the Waste Control Regulation, A.R. 192/96. The parties shall submit and implement a written inventory, Immediate Storage Plan, Disposal Plan, Investigative Plan, Investigative Report, and Remediation Plan to the Manager in accordance with the schedules. The parties shall provide written status reports of all actions to comply with this Order with the first report to be submitted by June 1, 2012. Notice of Appeal received by the Environmental Appeals Board 30 May 2012.

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Enforcement Orders				
Craigievar Farm Ltd. and Sharp, Glenn	Lacombe County SE-24-39-25-W4	31-May-12	WA 36(1)	Craigievar Farm Ltd. is the registered owner of the lands and Glenn Sharp is the sole shareholder and director of the Company. In response to a public complaint in July 2009 Alberta Environment and Water ("AEW") attended the Lands and observed that the Natural Watercourse had been altered to redirect the water flow along the western and southern portion of the property line of the Lands. In December, 2009, Sharp was sent a letter from AEW advising him to apply for an Approval under the Water Act for the Channel. In August, 2011 department staff confirmed that no response had been received and a letter along with applicable sections of the Water Act were sent to Sharp advising of the requirement to submit a remediation plan for the channel prepared by a qualified water resource professional. On February 24, 2012, a site visit by AEW observed that portions of the Lands had been excavated to form a series of smaller drainage ditches. AEW has never received applications from nor issued any approvals under the Water Act to Sharp or the Company to authorize activities on the Lands. Remedial works are required to restore the natural functioning of the Natural Watercourse by ensuring that the Channel minimizes flooding, erosion and siltation on the Lands and adjacent properties, and to restore the Wetland Works to their pre-disturbance conditions or, alternatively, to create a consolidated wetland feature on the Lands. The parties shall immediately cease all activities on the Lands; submit a written remedial plan prepared by a qualified environmental professional; include a schedule of implementation; implement the work described in the Remedial Plan; submit the Final Report within 14 days of completion of the remedial work; and submit a monitoring report signed by the qualified environmental professional documenting the remedial work undertaken to comply with this Order. Notice of Appeal and request for stay received by the Environmental Appeals Board 11 June 2012. Stay was denied and mediation prior to appeal is scheduled for August 29 and 30th, 2012.
Duffy, Ron and Duffy, Donna Lynn	Lacombe County NE-13-39-25-W4	31-May-12	WA 36(1)	Donna Lynn Duffy is the registered owner of the Lands and her brother Ron Duffy farms the Lands. In July of 2009 an Alberta Environment and Water ("AEW") Investigator conducted a site inspection arising from a public complaint and observed Ron Duffy conducting unauthorized cut and fill activities of a nearby watercourse. Mr. Duffy was advised by AEW of the requirements under the Water Act and Mr. Duffy stated he would apply for an approval for future activities affecting the Natural Watercourse. A subsequent inspection of the site in August 2011 confirmed that approx 750 meters of watercourse had been realigned, removing the aquatic habitat and natural characteristics without authorization. On September 12, 2011 a letter along with applicable sections of the Water Act was sent to the Duffy's advising of the requirement to submit a remediation plan for the channel prepared by a qualified water resource

Enforcement Orders

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				professional. In early 2012 another complaint was received that Ron Duffy was undertaking further excavation and fill activities on the Lands. A follow-up inspection confirmed the additional unauthorized activities ad despite ongoing education and site specific instructions Ron Duffy continues to undertake unauthorized works in contravention of the Water Act. Remedial works are required to restore the natural functioning of the Natural Watercourse by ensuring that the Channel minimizes flooding, erosion and siltation on the Lands and adjacent properties, and to restore the Wetland Works to their pre-disturbance conditions or, alternatively, to create a consolidated wetland feature on the Lands. The parties shall immediately cease all activities on the Lands; submit a written remedial plan prepared by a qualified environmental professional; include a schedule of implementation; implement the work described in the Remedial Plan; submit the Final Report within 14 days of completion of the remedial work; and submit a monitoring report signed by the qualified environmental professional documenting the remedial work undertaken to comply with this Order. Notice of Appeal and request for stay received by the Environmental Appeals Board 8 June 2012. Stay was denied and mediation prior to appeal is scheduled for August 29 and 30th, 2012.
Methot, Ernest and Methot, Angela	Kapasiwin Plan 5674HW, Block A, Lot 11	27-Jun-12	WA 36(1)	Ernest and Angela Methot are the registered owners of the lands which are adjacent to the bed and shore of a water body known as Wabamun Lake. On March 19, 2012, Alberta Environment and Sustainable Resource Development ("AESRD") received a complaint regarding excavation on the shoreline adjacent to the Lands. A site inspection observed a trench dug parallel to the shore and extending into the water body; piles of soil excavated from the trench; mixed piles of soil and aquatic vegetation from the excavation of the trench placed on the shore of Wabamun Lake; active dewatering of the trench by two pumps located in the bottom of the trench directing water, by hoses, back into the lake; and the completion of concrete forms in the trench. AESRD was advised by the contractors that they were hired by the landowners to construct the Works. During an interview on March 26, 2012, Ernest Methot confirmed he hired the contractors to construct the Works and he had neither applied for nor obtained a Water Act approval prior to commencing construction of the Works. The construction and continued operation of the Works may alter or may become capable of altering the flow or level of water, may change or may become capable of changing the location of water, and may cause or may become capable of causing siltation of water or the erosion of the bed and shore of Wabamun Lake, and may cause or may become capable of causing an effect on the aquatic environment of Wabamun Lake. The Methots shall immediately cease any unauthorized activities relating to the Works; submit a written remedial plan; include a schedule of implementation; implement the work

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Enforcement Orders				
				described in the Remedial Plan; provide the Director with 5 days notice prior to commencing the work; and submit the Final Report within 30 days of completion of the requirements of this Order describing the work undertaken to comply with this Order.

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Environmental Protection Orders				
Peace West Energy Corporation	MD of MacKenzie NW-21-109-19-W5	03-May-12	AEPEA(R) 113 140	Peace West Energy Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the well. Alberta Environment and Water ["AEW"] has not issued reclamation certificates for the Site. AEW is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Peace West Energy Corporation	MD of MacKenzie SE-13-108-19-W5	03-May-12	AEPEA(R) 113 140	Peace West Energy Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the well. Alberta Environment and Water ["AEW"] has not issued reclamation certificates for the Site. AEW is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Peace West Energy Corporation	MD of MacKenzie SE-18-109-19-W5	03-May-12	AEPEA(R) 140 113	Peace West Energy Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the well. Alberta Environment and Water ["AEW"] has not issued reclamation certificates for the Site. AEW is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Peace West Energy Corporation	MD of MacKenzie NE-33-108-19-W5	03-May-12	AEPEA(R) 113 140	Peace West Energy Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the well. Alberta Environment and Water ["AEW"] has not issued reclamation certificates for the Site. AEW is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is

Environmental Protection Orders

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
				causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Peace West Energy Corporation	MD of MacKenzie SE-25-108-19-W5	03-May-12	AEPEA(R) 113 140	Peace West Energy Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the well. Alberta Environment and Water ["AEW"] has not issued reclamation certificates for the Site. AEW is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Peace West Energy Corporation	MD of MacKenzie NE-31-108-19-W5	03-May-12	AEPEA(R) 113 140	Peace West Energy Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the well. Alberta Environment and Water ["AEW"] has not issued reclamation certificates for the Site. AEW is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.
Peace West Energy Corporation	MD of MacKenzie SE-6-109-19-W5	03-May-12	AEPEA(R) 113 140	Peace West Energy Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the well. Alberta Environment and Water ["AEW"] has not issued reclamation certificates for the Site. AEW is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.

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Peace West Energy Corporation	MD of MacKenzie SE-24-108-19-W5	03-May-12	AEPEA(R) 113 140	Peace West Energy Corporation ["The Company"] was licenced or otherwise authorized by the Energy Resources Conservation Board ["ERCB"] to operate the well. Alberta Environment and Water ["AEW"] has not issued reclamation certificates for the Site. AEW is of the opinion that work is necessary in order to conserve and reclaim the site and that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once the criteria has been met.

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Field Warning				
No Activity				

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Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Prosecutions				
Permolex Ltd		18-Apr-12 Penalty: $75,000.00	AEPEA(R) 227(e)	Count 1: On or about the 23rd day of July, 2007, at or near Red Deer in the Province of Alberta did contravene a term or condition of an approval: to wit, section 4.2.4 of approval 46503-00-02 which provides as follows: Industrial wastewater shall be discharged to the City of Red Deer sanitary sewer system in accordance with the City's requirements contrary to section 227(e) of the Environmental Protection and Enhancement Act. Pled guilty to two counts of failing to comply with approval conditions and was sentenced to a global penalty of $150,000. $100,000 is to be directed towards a creative sentencing project that benefits the citizens of Red Deer. Both the fine and creative sentencing order were paid 2 May 2012.
Permolex Ltd		18-Apr-12 Penalty: $75,000.00	AEPEA(R) 227(e)	Count 2: On or between the 20th day of June 2006 and the 28th day of April 2008, both dates inclusive, at or near Red Deer in the Province of Alberta did contravene a term or condition of an approval to wit section 4.1.2 of Approval No. 46503-00-00, as amended, which states: The approval holder shall only emit effluent streams to the atmosphere from the following sources: (e) the ethanol scrubber exhaust vent identified in the application as C-422 and did thereby commit an offence contrary to section 227(e) of the Environmental Protection and Enhancement Act, the offence having first come to the attention of the Director on April 29, 2008. Pled guilty to two counts of failing to comply with approval conditions and was sentenced to a global penalty of $150,000. $100,000 is to be directed towards a creative sentencing project that benefits the citizens of Red Deer. Both the fine and creative sentencing order were paid 2 May 2012.
All Can Engineering and Surveys Ltd		12-Jun-12 Penalty: $50,000.00	WA 142(1)(b)	Count 4: On or about the 21st day of September, 2009 at or near Red Deer, in the Province of Alberta did fail to provide information as required under the Water Act, to wit: did fail to identify a water course crossing near Baker Road in a Code of Practice Notification, contrary to section 142(1)(b) of the Water Act. Pled guilty and was sentenced to a global penalty of $50,000, of which $40,000 will go to creative sentencing. Both the agreed to funds of the creative sentencing order and fine were paid 4 July 2012.

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Tickets				

No Activity

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Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Warning Letters				
Hutterian Brethren Church of Morinville	Morinville SW-29-56-26-W4 SE-29-56-26-W4	11-Apr-12	WA 49(1) 36(1)	On or about August 23, 2010, The Hutterian Brethren Church of Morinville conducted extensive dredging, channel re-alignment and aquatic vegetation removal to an un-named tributary to Riviere Qui Barre in the North Saskatchewan River drainage basin without authorization.
624659 Alberta Ltd.	County of Athabasca SW-7-69-20-W4	13-Apr-12	WA 36(1)	On or about July 21, 2011 the landowner conducted an unauthorized activity that resulted in the dredging, channel alteration and aquatic vegetation removal to an un-named tributary of the Athabasca River.
PetroBakken Energy Ltd.	Brazeau County NE-18-46-11-W5	16-Apr-12	WA 142(1)(e)	The Company contravened its licence by withdrawing water from the wrong point of diversion and failing to have a properly sized screen of 2.54 millimeters on February 7, 2012.
Dale Croswell Construction Co. Ltd.	Smoky Lake County NE-10-61-18-W4	30-Apr-12	AEPEA(R) 61	The Company commenced an activity at a pit on March 9, 2012 without a registration.
EMCOR Development Corporation	Calgary W-32-23-28-W4	08-May-12	WA 36(1)	The Company conducted an unauthorized activity, the draining of a wetland on or about June 26, 2010.
Kikino Metis Settlement	Kikino Metis Settlement NW-20-63-14-W4	23-May-12	AEPEA(R) 61	An Inspection conducted on May 16, 2011 determined the Kikino Metis Settlement was operating a gravel pit without a registration.
Sinopec Daylight Energy Ltd.	Brazeau County NE-12-47-12-W5	25-May-12	WA 142(1)(o) 142(1)(e)	The Company conducted an unauthorized activity, the withdrawing of water at a higher diversion rate than stated in the licence and failing to ensure the screen on the pump intake has openings no larger than 2.54 millimeters on February 7, 2012. In addition, there was no licence kept at the point of diversion or in the truck that was transporting the water to the point of use.
Grimshaw Gravel Sales Ltd.	MD of Peace 32-83-23-W5	08-Jun-12	AEPEA(R) 60	The Company conducted an activity, the operation of a pit greater than or equal to 5 hectares (12.5 acres) without a registration on or about November 14, 2008.

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Warning Letters				
Weberville Aggregate Sand & Gravel Sales Ltd.	County of Northern Lights NE-24-85-22-W5	08-Jun-12	AEPEA(R) 60	The Company conducted an activity, the operation of a pit greater than or equal to 5 hectares (12.5 acres) without a registration on or about August 18, 2008.
Celanese EVA Performance Polymers Inc.	Edmonton Plan 9724258, Block 6	13-Jun-12	AEPEA(R) 227(d)	The Company contravened its approval with late submission of the Annual Groundwater Monitoring Summary Report which was due on or before March 31, 2012 but was not received until May 15, 2012.
St. Paul No. 19, County of	Riverview	19-Jun-12	AEPEA(R) 227(e)	The County operates the Riverview Waterworks Facility pursuant to a registration. The County failed to comply with the terms and conditions of the Code of Practice for a Waterworks System Consisting Solely of a Water Distribution System on or about March 8, 2012.
Devon Canada Corporation	Crowsnest Pass S-11-8-5-W5	20-Jun-12	AEPEA(R) 227(d)	The Company operates the Coleman Sour Gas Processing Plant pursuant to an Approval. It contravened its approval with 22 hourly Incinerator Stack SO2 emission limit exceedances on August 3 and 4, 2011 resulting from the Companies decision to do in-situ catalyst regeneration on the SuperClaus sulphur recovery unit.
Devon Canada Corporation	Crowsnest Pass S-11-8-5-W5	21-Jun-12	AEPEA(R) 227(e)	The Company operates the Coleman Sour Gas Processing Plant pursuant to an Approval. It contravened its approval with 33 daily Incinerator Stack SO2 emission limit contraventions from February 8, 2012 to March 15, 2012 resulting from Devon Canada Corporation's failure to implement measures to meet amended approval conditions in the approval amendment issued February 8, 2012. This Facility is in the process of being permanently shut down.
General Recycling Industries Ltd.	Edmonton NE-25-52-24-W4	27-Jun-12	AEPEA(R) 227(e)	The Company operates the Edmonton Battery Storage Facility pursuant to an Approval. It contravened its Approval by failing to submit an application for renewal to the Director a minimum of 6 months prior to the approval expiry date, beginning on December 1, 2011 and reported to Environment and Sustainable Resource Development on March 28, 2012.

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Water Management Orders				
Transwest Financial Services Corp.	Sturgeon County SW-4-55-26-W4	22-May-12	WA 97	In September 2011, it was determined that a man-made blockage in a watercourse on the company's property was obstructing flow. Alberta Environment and Sustainable Resource Development contacted the company on multiple occasions asking them to remove the blockage. However, a follow-up inspection found that the water course was still blocked and causing flooding on adjacent land. The Company shall immediately remove the blockage from the watercourse, and complete the work that will restore the watercourse and surrounding land to pre-disturbance conditions by no later than June 8, 2012.